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COLLIER et al. v. SEWARD & ROPER et al.

June 11, 1914.

[82 S. E. 100.]

1. Wills (§ 687*)—Creation of Trust—Rights of Beneficiaries—Creditors.—Testatrix bequeathed certain land to a trustee to pay the income of one half to her daughter M. for life, and the income of the other half to her daughter E. for life; the share of each on her death, leaving children surviving, to go to them and, in case of the death of either without children surviving, the remainder to pass to the survivor. E. died without issue, after which M. died leaving a will by which she directed that her estate should be divided equally between her eight children and C., who was insolvent and against whom complainants had recovered judgment. Held, that the devise by the trustee of all his property to his widow, the beneficiary M., and her devise of all her estate to her children, including C., did not extinguish the trustee's indebtedness to the trust fund, and that C.'s interest therein was subject to the rights of his creditors.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 1638-1643; Dec. Dig. § 687.* 13 Va.-W. Va. Enc. Dig. 842.]

2. Bankruptcy (§ 268*)—Sale by Trustee—Rights of Purchaser.—Where, pending suit to subject an interest of a trust fund to the rights of judgment creditors, defendants, who were parties to the suit and had full knowledge of its object, purchased the interest of the trustee in bankruptcy in the judgment debtor's interest in the trust estate, such purchase was subject and not superior to the rights of such creditors.

[Ed. Note.—For other cases, see Bankruptcy, Cent. Dig. §§ 372-379; Dec. Dig. § 268.* 2 Va.-W. Va. Enc. Dig. 242.]

Appeal from Hustings Court of Petersburg.

Suit by Seward & Roper and others against one Collier and others. Judgment for complainants, and defendants appeal. Affirmed.

Buford, Lewis & Peterson, of Lawrenceville, for appellants.
Wm. B. McIlwaine and *Jos. B. Prince*, both of Petersburg, for appellees *Roper* and *Davis*.

HAMMOND v. RIDLEY'S EX'RS et al.

June 11, 1914.

[82 S. E. 102.]

1. Mortgages (§ 38*)—Deed as Mortgage—Evidence.—Evidence

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.